

Docket No. 206445US0CONT

MAR 25 2003

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Terminal
Disclaim

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Etsuko MATSUNAGA, et al.

SERIAL NO: 09/850,091

GAU: 1638

FILED: May 8, 2001

EXAMINER: M. A. Ibrahim

FOR: METHOD FOR INTRODUCING A GENE INTO A PLANT USING AN ADVENTITIOUS BUD
REDIFFERENTIATION GENE UNDER THE CONTROL OF A LIGHT-INDUCIBLE PROMOTER AS A
SELECTABLE MARKER GENE, AND VECTOR FOR INTRODUCING A GENE INTO A PLANT USING
THE SAME

TERMINAL DISCLAIMER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

Nippon Paper Industries Co., Ltd. is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 012039, frame(s) 0765.

Nippon Paper Industries Co., Ltd. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,294,714 B1, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,294,714 B1, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Nippon Paper Industries Co., Ltd. does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,294,714 B1 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Registration No. 24,618

Richard Treanor 36375

3/25/03

Date Signed

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